

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

UNITED STATES OF AMERICA, §
 §
 §
 §
 §
Plaintiff, §
 §
 §
 §
vs. § Case No. 3:18-CR-00592-N
 §
 §
 §
ROBERT DARREN MOORE (1), §
 §
 §
 §
 §
Defendant. §

**DEFENDANT ROBERT MOORE'S UNOPPOSED
MOTION FOR CONTINUANCE**

COMES NOW defendant, Robert Moore, by and through his counsel of record and hereby respectfully moves the Court for a continuance of the Pretrial Motion dates, Change of Plea Deadline, and Final Pretrial Conference Date, and would show this Honorable Court as follows, to-wit:

I.

PROCEDURAL HISTORY

On March 19, 2019, the Defendant appeared before United States Magistrate Judge Irma Carrillo Ramirez for an reappointment of an attorney on a two count indictment in which the Defendant is charged with a violation of Title 18 U.S.C. § 2113(a) and (d).

As of the date of the filing of this Motion, the parties have taken and begun the following non-exhaustive list of actions:

- The Government has recently provided a voluminous amount of initial discovery to the defense, including numerous videos; and

- Defendant and the Government are diligently continuing to work towards a resolution of this matter.

The Defendant certifies that this request is not due to a lack of due diligence by defense counsel but rather by the need for additional time. Additionally, the Defendant certifies that this request is not made for the purposes of unwarranted delay.

Counsel for Defendant has completed the following appeals and prepared for the following trials:

Brandon Jordan v. The State of Texas, 05-18-01067-CR

Michael Louis v. The State of Texas; 10-18-00254-CR

Zanard Houston v. The State of Texas; 13-18-00592-CR

The State of Texas v. Jarrod Robinson, Cause No. F18-70015, In the Criminal District Court No. 6, Dallas County, Texas

The State of Texas v. Samuel Harris, Cause No. F18-41409, In the 203rd District Court, Dallas County, Texas

The State of Texas v. Vermon Kelley, Cause No. 18-50149-CC, In the County Court at Law, Kaufman County, Texas

ARGUMENTS AND AUTHORITIES

A motion for continuance is addressed to the sound discretion of the trial court and will be disturbed on appeal only upon a showing that there has been an abuse of discretion. *Ungar v. Sarafite*, 376 U.S. 575, 589 (1964); *United States v. Shaw*, 920 F.2d 1225, 1230 (5th Cir.); *cert. denied*, 500 U.S. 926 (1991). This issue

must be decided on a case-by-case basis and in light of the circumstances present.

United States v. Option, 531 F.2d 1281, 1285-86 (5th Cir. 1976).

18 U.S.C. § 3161(8)(B)(iv) provides that a district court may likewise continue a case when “the failure to grant such a continuance in a case which, taken as a whole, is not so unusual or so complex as to fall within clause (ii), [but] would ... deny counsel for the defendant or the attorney for the government the reasonable time necessary for effective preparation, taking into account the exercise of due diligence.” The defense respectfully requests that the Court grant a continuance to the above-requested dates. Should the Court grant the requested continuance, the Defendant agrees that any period of delay resulting there from, made necessary by this request for continuance, shall be excludable under 18 U.S.C. § 3161(h)(8). Additionally, the ends of justice served by the granting of this continuance outweigh the best interests of the public and the Defendant in a speedy trial, 18 U.S.C. § 3161(h)(8)(A).

WHEREFORE PREMISES CONSIDERED, Defendant respectfully requests that the Court grant this Motion and continue the pretrial hearing and all associated dates for a minimum of ninety (90) days.

Respectfully submitted,

/s/ Danny Oliphant
J. DANIEL OLPHANT
Law Office of J. Daniel Oliphant
3626 N. Hall Street, Suite 622
Dallas, Texas 75219
(469) 879-8531
FAX: (469) 547-2377

ATTORNEY FOR DEFENDANT

CERTIFICATE OF CONFERENCE

Defense counsel contacted Assistant United States Attorney, Damien Diggs, and the Government does not oppose this Motion.

CERTIFICATE OF SERVICE

I hereby certify that on May 21, 2019, a true and correct copy of the foregoing Defendant's Motion for Continuance of Pretrial Motion Dates, Change of Plea Deadline, and Final Pretrial Conference Date was sent by CM/ECF to:

Damien Diggs
Assistant U.S. Attorney
1100 Commerce Street, Third Floor
Dallas, Texas 75242-1699

/s/ Danny Oliphant
J. DANIEL OLIPHANT